

III. REMARKS

1. Applicants respectfully submit that claims 11-30 are patentable over the combination of Sakoda et al. (US 6088345, "Sakoda") and Barlev et al. (US 7133441, "Barlev") under 35 USC 103(a).

1.1 The combination of Sakoda and Barlev fails to disclose or suggest:

wherein the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission times,

as recited by claims 12 and 23.

The Examiner properly points out that Sakoda fails to disclose or suggest this feature.

Barlev, at column 32, lines 19-21 discloses variable depth interleaving. However, Barlev does not include any disclosure related to a specific depth of interleaving, and fails to provide any disclosure related to how the depth of interleaving is selected by the host controller. Specifically, Barlev has no processing means configured to interleave a block of data, where the interleaving depth corresponds to a transmission time not greater than a time specified by a processing manner.

At least for these reasons, Barlev does not disclose the above quoted feature of claim 12.

Assuming for the sake of argument that Barlev did disclose this feature (which it does not), it is respectfully submitted that the combination of Sakoda and Barlev is not an obvious combination. In particular, claims 12 and 23 require the processing of at least one data flow according to processing manners that are part of a set of processing manners stored in memory. Claims 12 and 23 also require concatenation of data from at least one data flow and a code identifying the selected manner, to produce a block of concatenated data. Claims 12 and 23 then define interleaving the block (the block that results from the concatenation). Claims 12 and 23 require "wherein the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission times" (emphasis added). As such, the depth of interleaving is closely related to the other features of the claims, notably the set of processing manners, the processing and the concatenation. Applicants note that claim 12 is not merely a collocation of

two separate systems, that is, the "depth of interleaving" feature is not merely a bolt-on feature, but is intrinsically related to the other features of the claims. Since Barlev does not disclose the relationship between the depth of interleaving and the other features of the claim, nor any features that may correspond to this relationship, the person of ordinary skill in the art would not find it obvious to take the variable interleaving depth feature of Barlev and apply it to the system of Sakoda. Furthermore, as stated above, even if the person of ordinary skill were to make this combination, the result would not include the feature of claim 12 "wherein the depth of said interleaving corresponds to a transmission time not greater than the least of said defined transmission times".

Therefore, the combination of Sakoda and Barlev fails to disclose or suggest all the features of claims 12 and 23 and therefore fails to render claims 11-29 unpatentable.

1.2 The combination of Sakoda and Barlev fails to disclose or suggest:

A transmitter for transmitting blocks of digital data, the transmitter comprising:

processing means configured to:

process first and second data flows in first and second manners to produce first and second processed data flows,

concatenate data from the first and second processed data flows and a code identifying said manners to produce a block of concatenated data, and interleave said block such that the first and second data flows and said code are affected; and

transmitting circuitry for transmitting said block.

as recited by claim 30.

Applicants note that on page 2, paragraph 3, the present action dated 9 December 2009 simply mentions claim 30 without any further details. A careful reading of the entire action finds nothing further related to claim 30.

When "the PTO asserts that there is an explicit or implicit teaching or suggestion in the prior art, it must indicate where such a teaching or suggestion appears in the reference". In re Rijckaert, 28 USPQ2d 1955, 1057 (Fed. Cir. 1993).

Applicants refer to 37 CFR 1.104(c)(2):

In rejecting claims for want of novelty or for obviousness, the examiner must cite the best references at his or her command. When a reference is complex or shows or describes inventions other than that claimed by the applicant, the particular part relied on must be designated as nearly as practicable. The pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified. (Emphasis added)

and MPEP §707:

When considered necessary for adequate information, the particular figure(s) of the drawing(s), and/or page(s) or paragraph(s) of the reference(s), and/or any relevant comments briefly stated should be included.

MPEP §706.07 emphasizes the specificity requirement of 37 C.F.R. § 1.104(c) by stating:

The examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal.

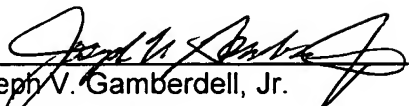
Applicants submit that it is unclear which features of the cited references the Examiner equates with the elements of claim 30, as a result, a clear issue has not been developed. Applicants request more specificity in the rejection, for example, by citing columns and line numbers in the references and a comparison among features in the references and elements of claim 30.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.



Respectfully submitted,


Joseph V. Gamberdell, Jr.
Reg. No. 44,695

9 March 2010
Date

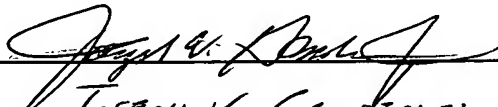
Perman & Green, LLP
99 Hawley Lane
Stratford, CT 06614
(203) 259-1800
Customer No.: 2512

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Commissioner of Patents, P.O. Box 1450, Alexandria VA 22313-1450.

Date: 9 March 2010

Signature:


JOSEPH V. GAMBERDELL, JR.

Person Making Deposit